

W/O

**SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI**

<b>STATE OF ARIZONA</b>  (Plaintiff)  <b>vs.</b>  <b>STEVEN CARROLL DEMOCKER</b>  (Defendant)	<b>Case No. P1300CR20081339</b>  <b>UNDER ADVISEMENT RULING</b> <b>re: Motion for Out of Court</b> <b>Testimony Pursuant to</b> <b>A.R.S. § 13-4253</b>	<b>FILED</b>  <b>DATE:</b> <u>JUN 09 2010</u> <u>11</u> O'Clock <u>1</u> M. <b>JEANNE HICKS, CLERK</b> <b>BY:</b> <u>SHEETAL PATEL</u>  Deputy
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<b>HONORABLE Thomas B. Lindberg</b>	<b>BY: Robin Gearhart / Judicial Assistant</b> <b>Division Six</b>
<b>DIVISION SIX</b>	<b>DATE: June 8, 2010</b>

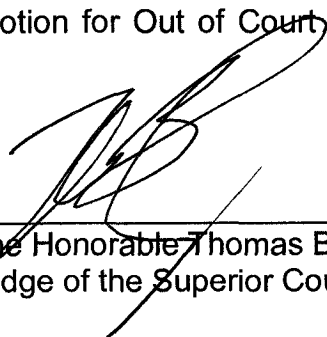
On April 1, 2010, State of Arizona filed a Motion for Out of Court Testimony Pursuant to A.R.S. §13-4253 requesting an Order of the Court allowing testimony of a minor, Alex Knapp, to be taken in a room other than the Courtroom and to be televised and viewed by closed circuit equipment by the Court, jury and Defendant. On April 7, 2010, the Court heard argument on the Motion and discussions by the parties pertaining to A.R.S. §13-4253 (a) and (b). The Court then took the matter *under advisement*.

Thereafter, on May 11, 2010, the Court directed Counsel Butner to speak with minor's mother regarding her position on the issue; and on May 27, 2010, the minor's mother addressed the Court with regard to the testimony of minor, Alex Knapp. The Court then reconfirmed the taking of this matter *under advisement*.

The Court has considered the Motion, arguments, testimony and alternatives proposed. The Court finds it has not been presented with enough evidence that would allow the minor child, Alex Knapp, to appear and testify by remote methods when considering Defendant's right of confrontation. The Court will, however, observe the minor child during testimony if and when he is called to testify and reserves the right to reconsider the Court's ruling.

**IT IS HEREBY ORDERED** State of Arizona's Motion for Out of Court Testimony is **denied**, **without prejudice**.

**DATED** this 8<sup>th</sup> day of June, 2010.

  
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The Honorable Thomas B. Lindberg  
Judge of the Superior Court / Division 6

JUN 09 2010

cc: Joseph C. Butner III, Esq., Office of the Yavapai County Attorney (**via facsimile to 928-771-3110**)  
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Victim Services: Attn. Marie Martinez